

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

CORTNE MAREESE ROBINSON,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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CIVIL ACTION NO. 1:17-cv-11-RWS

ORDER

Before the Court is Petitioner Cortne Mareese Robinson's Opposed Motion to Set a Briefing Schedule (Docket No. 80). On November 18, 2020, the present case was returned to the active docket at Robinson's request. Docket Nos. 79, 81.

Since the Texas Court of Criminal Appeal ("TCCA") dismissed Robinson's state writ application as an abuse of the writ, *Ex parte Robinson*, No. WR-81,583-02, 2020 WL 5649451 (Tex. Crim. App. Sept. 23, 2020), he is requesting that a new briefing schedule be issued. He seeks to file an amended petition. The Director is opposed to the motion. Robinson represents that the disagreement between the parties is the scope of the amendment and not the proposed scheduling deadlines. Docket No. 80 at 2. Accordingly, it is

ORDERED that Robinson's opposed motion to set a briefing schedule (Docket No. 80) is **GRANTED**. It is further

ORDERED that the amended petition for a writ of habeas corpus is due on or before **March 6, 2021**. The case may be dismissed for want of prosecution if the amended petition is not timely filed. The Court does not accept piecemeal pleadings. An amended petition entirely supersedes and takes the place of an original petition. *See Clark v. Tarrant Cnty., Tex.*, 798 F.2d

736, 740 (5th Cir. 1986). For that reason, an amended petition should be a complete petition which replaces the original petition. An amended petition may not refer back to the original petition with instructions to add, delete or substitute various sentences, paragraphs, or sections. The amended petition will become the live pleading in this action. It is further

ORDERED that the deadline for the Director to file a response or responsive pleading to the amended petition is within ninety days of the filing of the amended petition. It is further

ORDERED that the deadline for Petitioner to file a reply to the response is sixty days from the time the response is filed. It is finally

ORDERED that this Order does not affect or waive the Director's right to raise and/or object to any statute of limitations, exhaustion, new evidence not presented to the state court first, etc. issues raised in Robinson's proposed amended petition.

The parties are placed on notice of Local Rule CV-3, which provides for page limits, table of contents, and tables of authority. Any documents that are filed that do not comply with these requirements may be struck from the record.

So ORDERED and SIGNED this 24th day of November, 2020.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE